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NEW YORK, SUNDAY, DECEMBER 23, 1894.—COPYRIGHT, 1894, BY THE SUN PRINTING AND PUBLISHING ASSOCIATION.—TWENTY-SIX PAGES.

TO TEST THE INCOME TAX

OF MOORE & SCHLEY. Me Compinies that the Act Buplicates the Tax by Requiring Corporations to Pay It on Their Net Earnings and Requiring Shareholders to Pay a Like Tax on

Bividends Pold by These Corporations

SUIT INSTITUTED BY JOHN G. MOORE

-Other Provisions , Unconstitutional, WASHINGTON, Dec. 22.—The first case to test constitutionality of the Income Tax law been brought in the Supreme Court of the District of Columbia, The petitioner is Mr. John G. Moore of the firm of Moore & Schley, 30 Broadway, New York. The complainant is a director of the Western Union Telegraph and of various other corporations, and proposes to aght the case through the Supreme Court of the United States. His attorneys are ex-Senator George F. Edmunds and Mesers. Shellabarger

The petition is for an injunction to restrain the Commissioner of Internal Revenue from collecting the tax. It sets out that the com-plainant is a shareholder in various corpora-tions which pay dividends to said complainant. "that, independent of and in addition to said dividends, your complainant has an income derived from the gains and profits of his business, and embraced within section 27 and 28 of the new Tariff law, largely in excess of the sum of \$4,000 per anuum, and upon which income the Commissioner of Internal Revenue has threatened to and, unless restrained by this honorable court, will proceed to assess the sum of two per cent. on the amount in excess of \$4,-600 per annum." The bill proceeds: "Your complainant further shows that by

section 29 of the new Tariff law the corporation a tax of two per cent, on the net earnings re vely, without regard to any dividends paid out of said net earnings, and by sections 27 and 28 of said act your complainant is required to pay a like tax upon the said moneys so paid to him as dividends by said corporations respectively, thereby wrongfully duplicating the tax on your complainant; and by reference to section 27 of said act your complain-ant shows to the court that said taxation is unjust and unequal, in that it discriminate against your complainant, for the purposes of taxation, and other persons who are citizens of the United States, and wholly exempts such persons from taxation as aforesaid who have an income to any amount up to and not in excess of the sum of \$4,000 per annum, and thereby you almant, and all others in the same condi tion with your complainant, are denied the equal protection of the law.

"And your complainant further, by reference to said sections 27 and 28 of said act of Congress, shows to the court that there is ans with the taxation of citizens of the United States, and subject to the said proposed taxation and not separable therefrom, the provision

with the taxation of citizens of the United States, and subject to the said proposed taxation and not separable therefrom, the provision that persons who are aliens, but who reside in the United States, whether permanently or only temporarily, shall likewise be subject to the payment of said tax on an income in excess of \$4,000 per annum, although such income is derived wholly from rents, interests, dividends, salaries, or from any profession, trade, employment, or vocation carried on elsewhere than in the United States, thus undertaking, unlawfully and without authority, to tax the incomes of citizens of foreign countries alien to the United States who may have within the United States at temporary residence for temporary proposes, although such incomes are deviced wholly from sources not within the jurisdiction of the United States.

"And your complainant further, by reference to section 32 of said act, shows to the court that no exemption is made in the said act from said taxation of incomes of such ecorporations within the United States, of which there are many, which, although carried on for profit, are created, owned, and operated by the several States of this Union, respectively, as instrumentalities and agencies of the Governments of such respective States, and in promotion of the police and other public functions and policies of such States, and which corporations, so being agencies of the Governments of the respective States are not subject to taxation by the United States; and your complainant further, by reference to said act, shows to the court that, by the provisions thereof, assessments are to be made upon the said income of your complainant and others that had been earned and received by your complainant prior to the time at which said provisions of said act took effect, and that all the said taxes here inbefore mentioned, attempted to be assessed and collected upon incomes, are not within the Commissioner of Internal Revenue, as aforeand, is threatming and intending and proceeding to take steps

assessments.

"Because of all the matters hereinbefore set forth, and because of other defects and the invalidity of said income tax enactment, which appear upon the face of said act, your comolalmant avers and charges that said act is invalid in the provisions, inoperative, and void. He therefore prays for a writ of injunction to restrain the Commissioner of Internal Revenue, and all persons acting under him, from doing any act looking to the collection of said income tax in the foregoing bill of complaint mentioned and described."

foregoing bill of complaint mentioned and described.

The bill was drawn by Mr. Edmunds, who recently spent several days in Washington, but who left the city early in the week. Judge Wilson filed the bill and was acquainted with its contents, as he was fully consulted by Mr. Edmunds during its preparation. The argument in behalf of the complainant will probably be made by Mr. Wilson when the case comes up for trial. He is reputed to be the best court lawyer in Washington, and during the past few years has added to his fame by his defence of Schneider, the Washington murderer, and his conduct of the famous suit of Madeline Feliard against Congressman Breck-inridge. Mr. Wilson could not be seen to-night when he was sought for information about the suit, and his partner, Judge Shellsbarger, could throw little additional light on the subject, for the reason that he had not even read the bill of particulars filed during the afternoon by Judge Wilson.

the reason that he had not even read the bill of particulars filed during the afternoon by Judge Wilson.

Judge Shellabarger said that Mr. Moore, after consultation with his attorneys, decided for good reasons to bring the suit now, before operations under the new law were commenced, although the argument was advanced that it might be well to wait until the representatives of the Government actually made an attempt to collect the tax before commencing proceedings for an injunction or a restraining order. Judge Shellabarger admitted that there might be a difference of opinion as to the advisability of bringing the suit before the act was put into practical effect, but said that this objection to the present suit is not insurmountable. The reason the suit was brought in the District of Columbia is that Mr. Moore is a stockholder in the Washington (say light Company, in addition to being a holder of stock in several other large corporations in various parts of the country.

Judge Shellabarger did not venture an opinion as to the probable date the case might not reach the Superme Court of the United States for at least a year. It is thought to be hardly probable that either party to the suit will rest content until the Supreme Court of the United States for at least a year. It is thought to be hardly probable that either party to the suit will rest content until the Supreme Court of the United States has finally passed upon the Income Ta. law. Under these circumstances the suit to-day entered will have to pass from the Equity Court to the Court of Appeals of the District, and thence to the Supreme Court of the United States.

In view of the importance of the question involved and the fact that the President of the United States has finally passed upon the Income Ta. law. Under these circumstances the suit to-day entered will have to pass from the Equity Court to the Court of Appeals of the District, and thence to the Supreme Court of the United States.

In view of the importance of the question involved and the fac

summer.
Judge Sheliabarger is theroughly convinced hat it can be demonstrated that the act is unonesituational, and he is favorably impressed with the fact that Mears. Chants and Seward here announced their intention to test the condistributionality of the act as soon as the attempts a made to enforce it.

THEIR BONES TO REST IN CHINA. The Remains of Forty Chinamen Bug Up

The spectacle of a number of Chiname digging up graves in the New York Bay Ceme tery, Jersey City, attracted a crowd of curious persons to the place yesterday and the day be-the. There are seven plots received in the cemetery for the burial of Chinese, and up to yesterday these plots contained forty bodies. Now the graves are empty and the bones of the dead Chinamen have all been packed in boxes preparatory to being removed to China The exhuming of the bones was done under the direction of the Chinese Entong Company which has an office at 16 Mott street, this city Chung Wah and Kung Saw represented the company and superintended the work. The graves were opened by the regular grave diggers

of the cemetery. As soon as a coffin was exposed to view, tw Chinamen relieved the laborers. They forced the lid of each coffin and carefully removed the skeleton. Many of the skeletons fell to piece but the bones were gathered up and placed in bag. They were then carried to a tent which has seen set up in Chapel avenue, outside of the ceme tery limits, and prepared for packing in boxes. A small furnace filled with burning charcoal stood in the middle of a tent, with a Chinama in attendance to keep the charcoal burning. As the bags were brought in the bones were re moved and placed on a wire netting avanended over the furnace. The attendant turned them over and over until they were thoroughly dried and then they were placed in a yellow pine box, lined with zinc.

A box was provided for each skeleton. Each box was two and a half feet long and one foot wide. As soon as a box was filled it was placed in the wagon of an undertaker who has a contract to prepare the bones for shipment to China. Twenty boxes were taken away on Friday and twenty more yesterday.

Thomas W. Tilden, superintendent of the emetery, said that the bones were being renoved in accordance with a Chinese custom When a Chinaman dies in a foreign country h expects that his body, or at least his bones, will be taken back to China. Mr. Tilden was in formed that a subscription of \$10,000 had been raised to pay the expense of taking back all the inamen who are buried in this part of the country.

TERRIBLE GALE IN ENGLAND. Some Lives Lost-Vessels Driven Ashere

LONDON, Dec. 22.-A tremendously heavy gale set in at 2 o'clock this morning and still ontinues, the south and west of England and outhern Ireland being the centre of the storm Telegraphic communication is somewhat inter-fered with. A part of the Clearing House at Euston Station was unroofed by the gale and several of the clerks employed in the building

Reports from Ireland state that at Langford the streets are strewn with debris. Many trees were uprooted and much other damage was ione. At Belfast three persons were killed in their beds by falling walls and debris. None of the Channel steamers arrived at Belfast until 10:30 o'clock. The severity of the storm has not been equalled in many years.

In the midland counties and south of England the storm began last night, the wind blowing a gale and a heavy rain falling. Many houses were unroofed, and much other damage was done in this city. At K-anilworth, county of Warwick, wentmusy 200 feet high was blown down, but no one was killed.

down, but no one was killed.

A steamer is ashore at Stehend. The schooner Helen Mar is reported wrecked at Ariogena Head, near Arimore, Ireland, and three of her crew drowned. The Captain was washed ashore, having provided himself with a life-belt. He was still alive, but completely ex-

Owing to the fury of the gale all traffic in Liverpool has been suspended. So furious was the wind that a tram car on one of the lines in the city was driven into another car of the same One person was killed and three others injured. were injured. At Lancaster the wind blew the roof off a house and the whole structure collapsed, burying three persons in the cellar. All were seriously injured. Several other houses in course of

house and the whole atructure collapsed, burying three persons in the cellar. All were seriously injured. Several other houses in course of building were demolished. At Morecambe several smacks were sunk. At Grimsby a workshop collapsed, burying thirty persons. One was killed and three were seriously injured. Telegraph wires, timber stacks, trees, &c., were blown down in all directions. At Burston the new Town Hall was unroofed and partly wrecked. At Lisburn five factory chimneys were overthrown and great damage was done.

In Belfast the damage ione by the storm is enormous. A number of factories and houses were demolished. At flolywood a Downshire schooner was wrecked. At Nouthport the lifeboats were kept busy rescuing the crews of two vessels. At Newry a browery chimney was blown down and the local railway was so badly damaged that traffic will have to be suspended for several days.

Two persons were killed in a factory at Preston, county of Lancaster, by falling walls, and in Grimsby, county of Lincoln, one person was killed in the same way. At Beeston, Nottinghamshire, two children who were playing in the street were caught under a wall which was overturned by the wind and crushed to death.

Advices from Belfast, Ireland, say that the American ship Kennebec, at that port from Port Blakely, was torn from her moorings by the gale is impossible to keep it affoat, and which was abandoned in a sinking condition.

All vessels outward bound from London are anchored at the mouth of the Thames. The gale is increasing.

The British bark Kirkmichael, Capt. Jones. anchored at the mouth of the Thames. The gale is increasing. Kirkmichael, Capt. Jones, was driven on the north end of the breakwater at Holyhead. Some of the crew were landed by means of the rocket apparatus, and four died of exhaustion. The sea is rolling over the break-

at Holyhead. Some of the crew were landed by means of the rocket apparatus, and four died of exhaustion. The sea is rolling over the breakwater.

The Norwegian barks Titania and Valhalla parted their cables off Penrhos, Carnarvonshire, and went ashore. The Carnarvon lifeboat has been sent out to save the crew. The schooner Dart parted her cable off Anglessey and grounded a few minutes later.

The bark Lotos is ashore at Southport. The 3,000-ton steamship British Queen lost two anchors with sixty fathoms of chain and went ashore at Long Reach. She is expected to float at the next tide.

A chimney of the infirmary in Blackburn was blown down, crashing into the children's ward. Seven children were carried down with the debris. While policemen and firemen were trying to rescue the children the lower floor collapsed and all fell into the cellar. One policeman, the cook, and six children were severely injured.

Word came from Liverpool late this evening that another vessel had foundered and fire of her crew had been drowned. A lifeboat going to the rescue was blown advirt and wrecked.

In the Mersey six smacks were sunk. Four asilors are dying in hospitals of broken heads. The Mersey ferry was compelled to stop running for several hours, a most unusual occurrence. It is estimated that the wind blew cighty-seven miles an hour.

A despatch from Belfast says that several vessels were blowh ashore in the lough. The crows of some of them have been rescued. Among the rescued are the Captain, his wife, and iffeen of the orew of the British bark Noel. They clung to the rigging for seven hours, exposed to a bitter northwester. The breaking of the regress of some of them have been responded thery. The breaking of the French coast and much damage has, it is feared, been suffered by shipping. The British ateamer Maroa, Capt. Adams, at this port from New Orleans, while going into her dock to day collided with the French steamer Colombia, Capt. Pherivong.

Bayard Taylor's Old Home Burned. WHOT CHRISTER, Pa., Dec. 22.-Cedarcroft, the

historic home of the late Bayard Taylor, near Kannet Square, was destroyed by fire to-day. A lamp which had been standing in the library exploded and the building was gutted. It is now the property of Rush Barrington of Philadelphia. The loss includes an \$8,000 pine argan, an extensive library, and a valuable collection of bric-à-brac. Round to Maye a Public Hanging

MAYROSDSVILLE, Ky., Dec. 22.-A crowd of 4,000 persons determined to witness the execu-

HETTY GREEN CRIES FRAUD

SHE SAYS HER FATHER'S TRUSTEES HAVE SWINDLED HER.

and New She to Suing in the Supreme Cour for an Accounting and to Have Them Removed-Cost Her 8421,000 to Get 8334. 606 Income from His Estate of 89,600,000

It transpired yesterday that for nearly three years Mrs. Hetty Green, reputed to be the rich-est woman in America, has had a suit pending in the Supreme Court against the sole remain ing executor and the trustees of the estate of her father, Edward M. Robinson. Mrs. Green wants an accounting, and she wants the trus-tees and the executor removed. The action was brought in January, 1892, before Judge Patter. sen, who appointed as referee to hear the cas Henry H. Anderson of the firm of Anderson & Howland, lawyers, of 35 Wall street. Since hat time, on every Friday, Referes Anderson has taken evidence. The proceedings cost Mrs Green \$100 every Friday, and the case is about one-third through at the present time. William H. Dayton of 45 Wall street is Mrs. Green'

attorney.
Mr. Robinson died in June, 1865, worth \$9,000,000. He had made most of his fortune in owning and running whaling and trading ressels. His wife had died several years before him, and Mrs. Green was his only child. His will gave her \$1,000,000 outright and provided that \$8,000,000 was to be held in trust for her during her life and go to her children at her death. Mr. Robinson named as executors and trustees Henry A. Barling, then a clerk in his New York office, Edward D. Mandell, head of his New Bedford house, and A. H. Davis, one of his clerks in this city.

When Mr. Robinson died Mr. Mandell re fused to act as executor, but consented to serve as trustee. The other two men qualified for both offices, but did not give bond or elect a man to fake Mandell's place as executor. In December, 1866 eighteen months after Mr. Robinson's death and at the expiration of the time allowed by law for executors to wind up the affairs of ar estate and turn it over to the trustees an accounting was had with the trustees of the Robinson estate, and Mrs. Green says that she then estate, as far as the executors were concerned.

A few months later Mrs. Green sailed for Europe, and remained abroad for fifteen years, oming to this country every year or so and re maining but a few weeks each time. On one of these trips she went to Chicago, and there, to her amazement, found that 640 acres of land, on the outskirts of the city, which formed a part of the estate left her by her father, had been sold. She went to the trustees of the estate and was

of the estate left her by her father, had been sold. She went to the trustees of the estate and was told that the ground had been sold a year or nave before for \$602,000. This made Mrs. Green furious, for she had been offered, on a previous visit to Chicago, \$960,000 for the same land. On this trip she also found out that A. H. Davis, one of the executors and trustees of the estate, was in an insane asylum, and that no one was acting in his place.

Mrs. Green decided to stay in this country and look out after her interests. She was not aware that Mr. Barling still acted as an executor of her father's estate, but thought him only a trustee. She says that time and again she demanded an accounting, but was put off. When she heard of Mr. Davis's death in an insane asylum she had her husband, E. H. Green, appointed as trustee in his pisce. Mr. Green also tried to get an accounting, but was unsuccessful. Mr. Barling was then the sole remaining executor, and Mrs. dresn both allege that he managed affairs to suit himself and squandered the estate. Finally, after trying in vainto get Mr. Barling to render an account of the estate and turn it over to the trustees, Mrs. Green brought this action in the Supreme Court. Then Mr. Barling fled his account. Mrs. Green absolutely refused to accept it as correct, and alleged that she was being swindled. Then Judge Patterson appointed the referree, and the case has been going along ever since. Up to date 10,000 pages of type-written testimony have been taken. Evarts, Choate & Beaman are counsel for Mr. Mandell and Mr. Barling, Mr. Green, their associate trustee, does not contest his wife's suit.

Some of the testimony so far given is highly interesting. According to Lawyer Stayton, the

test his wife's suit.
Some of the testimony so far given is highly interesting. According to Lawyer Stayton the 640 acres of land out in Chicago were sold on foreclosure proceedings. He said that Mr. Barling testified that he had mortgaged the land to the First National Bank of Norfolk, Va., to secure a note which his friend, R. H. Hyman, had given to the bank on a \$100,000 loan.

Barling testilied that he had mortgaged the land to the First National Bank of Norfolk, Va., to secure a note which his friend, R. H. Hyman, had given to the bank on a \$100,000 loan.

Barling was a partner of Hyman in a number of big cotton deals, and mortgaged the land in Chicago to accommodate his friend. He was to get no consideration for it. When Hyman failed to meet the note the hank began the foreclosure proceedings, under which the land was sold far below its value.

Mr. Stayton says that when Mr. Davis lost his mind he was sent to a private retreat in Conceticut owned by a brother of Joseph Choate. Mr. Stayton says that while in the asylum Mr. Davis continued to act as executor of the Robinson estate. Mr. Barling would send papers to him to sign, and Mr. Davis always complied.

The account which Mr. Barling rendered in January. 1892, in the Supreme Court and to which Mrs. Green objected so strendously, extends over a period of twenty-five years. Mr. Hayton alleges that there are many items in the account for which no vouchers are furnished. The law allows the executors of an estate to spend \$500 in sums not exceeding \$20 without furnishing vouchers, but no more. He cites several instances where larger sums have been expended by Mr. Barling and no vouchers furnished. One of these is an expenditure of \$00,000 on the 640 acres of land out in Chicago, for drainage and the general beautifying of the land. Another is an outlay of \$00,000, which Mr. Barling snys he put into the Pacific Guano Company. The Robinson estate owned some shares in this company, and Mr. Barling explains that he put the \$06,300 in to help it through a financial crisis.

As her expenditure with no voucher is one of \$70,000 for repairs on the trading vessel Gov. Morton. But the one item which Mr. Stayton says hurt and angered Mrs. Green most was the charge for collecting the income from the estate. Buring the last twenty-five years Mrs. Green has received \$334,000 of the lincome of the estate. Another item is one of \$80,000, alleged to h

His office at 45 Cedar street was closed, and it was said that he had sone to his home in Englewood, N. J. Mr. Cleveland of the firm of Evarts, Choate & Beaman, when asked about the case, replied that it was just a little friendly accounting and that was all. Mrs. Green is in constant attendance at the hearings of the case, and her lawyer says she is determined to have every cent of the estate accounted for.

DYNAMITE AS A WEAPON.

After an Exciting Time. DAVENPORT, In., Dec. 22.-Some time last

Suspected Robbers Escape from a Train

night a safe in West Liberty was blown open and \$150 in silver secured by the robbers. Two men suspected of having committed the robbery took No. 5 train on the Chicago, Rock Island and Pacific Railroad, a west-bound train that roes though West Liberty at 4 o'clock, and got off at Iowa City. There they boarded No. 2 train, east bound. When the train reached West Liberty the

When the train reached West Liberty the City Marshal and a number of others boarded the train and attempted to arrest the suspected men, but were held at hay with drawn revolvers. The train wenton its way, the City Marshal and a deputy remaining on board.

When the train neared Muscow one of the alleged robbers threw up the car window and threw out a hatful of silver and a large package of papers. He then pulled the bell rope and endeavored to stop the train. Conductor itonahus held the rope, however, and prevented it from working. One of the men then drew a stick of dynamite from his pecket, and leaning out of window, dropped the dynamite on the rail. The rear trucks of the car passing over it caused an explosion, almost throwing the car from the trace and breaking all the windows in one side of the car.

The engineer grew alarmed and stopped the track and broading at of the car.

The engineer grew alarmed and stopped the frain. The two sten then backed out of the car, looking the train crew and marshal at bay with drawn revolvers, jumped off the train and disappeared in the woods.

MR. STEVENSON'S DEATH.

The Nevelist Was in Good Spirits and Was Preparing a Salad Dressing When the Stroke of Apoplexy Came—The Funeral.

APIA, Samos, Dec. 5, via San Francisco, Dec. 22.-Mr. R. L. Stevenson, the novelist, died of apoplexy on Monday evening at 8:10 o'clock. About 6 o'clock the same evening Lloyd Osbourne, Mr. Stevenson's stepson, was seen in Apla, hatless and coatless, anxiously inquirin for medical assistance. Fortunately Dr. Anderson of H. M. S. Wallaroo was available, and Dr Funk, the local physician, was soon communi cated with. Both doctors hastened to respo to Mr. Osbourne's request for assistance, Dr. Anderson being on the spot nearly half an hour

before his fellow practitioner.

Mr. Stevenson was discovered insensible and breathing heavily and intermittently. Dr. Anderson recognized the symptoms of apoplexy and did all he could to afford relief, although aware that the case was hopeless. On Dr. Funk's arrival further remedies were applied, but unsuccessfully, and the patient breathed his last, never having recovered consciousness.

The body of Mr. Stevenson was buried on Tuesday between 1 and 2 o'clock in the afternoon on the extreme summit of Vaea Mountain, at the foot of which Vailima is situated. There were about twenty whites and sixty Samoans present, The Rev. Messrs, Clark and Newell officiated. From daylight on Tuesday morning a number of Samoans were engaged under the direction of Mr. Osbourne in cutting a track up the mountain's side, the work being no easy one, as the bush was dense and the grade precipitous. The funeral was not a public one, only a few friends being invited to attend it.

Mr. Stevenson's health of late had been so much improved that his relatives had hoped that his lung trouble was gradually ceasing to be absolutely dangerous. For a long time he orrhages had not been in evidence, and all thought that the faculty's prediction, that the forty-fifth year being turned the sensitiveness of the lung would disappear, might be verified. Apoplexy does not seem to have been contem-plated at all. He had done an enormous amount of work lately, keeping his amanuensis, Mrs. Strong, at high pressure. A very powerful novel, which would have been called either the "Heir of Hermiston," or perhaps "The Justice's Clerk," was in progress and about half finished, and the author was looking forward pleasurably to its being launched upon the literary world as one of his best productions.

Just before his attack Mr. Steven superintending the making of some salad dress-ing, which indicated that he was in good health and spirits. Suddenly he felt pains in his head and was almost instantly struck down. He was carried into the big ballroom and laid on a small bedstead, which had been hastily conveyed there. Here he remained surrounded by his family and native servants and friends who were anxiously breathe, his favorite body servant, an intelligent Samoan lad, begged to be permitted to sing a hymn, which he did in a sweet but powerful voice, affecting all present.

During Tuesday morning the body lay in the big room on its couch, awaiting its removal to ts final resting place on the mountain top, 1,200 feet above the sea level. Numberless wreaths were on a table at hand, and several native fine mats covered the bed on which the body lay.

MRS. KERNOCHAN THROWN.

But the Best Moranwoman of the Meads Brook Munt Club Encapes Sajury,

HEMPSTEAD, L. I., Dec. 22 .- Again taking adantage of the exceedingly fine weather that has prevailed on Long Island during the past two weeks, another cross-country run was par-ticipated in by the members of the MeadowBrook Hunt Club to-day. A light breeze that swept across the Hempstead plains seemed to lend renewed pluck and spirit to the hunt party, as the run across the plains and Wheatley Hills was a decidedly fast gallop. A more perfect day for a hunt could not be desired.

The party met at 3 o'clock at the Jericho toll gate, and upon the signal from the Master of Hounds, Frank Gray Griswold, to the whip, the run of eight miles began. The master, who rode The Irishman, and the whip, Joseph Murbunt. Mrs. James L. Kernochan rode Tram-

phy, who rode Conmick, were at the head of the hunt. Mrs. James L. Kernochan rode Tramway, and, aithough the best horsewoman of the Meadow Brook Club, she was unable to take any high fences on account of the condition of the turf.

While about to take a fence the horse Mrs. Kernochan rode slipped and fell, throwing her to the ground. She escaped with only a slight shaking up. Mr. Kernochan and Max Stevens were thrown, too, while about to take fences on the Wheatley Hills, but neither received severe injuries. Harry Hewett was the unlucky man of the day. He was thrown times three and severely bruised. In one of his falls he was thrown between two rails, from which position he was extricated by members of the hunt.

From the Jericho toil gate the run led to the Wheatley Hills and across the estate of E. D. Morgan and that of the Hon. William C. Whitney, ex-Secretary of the Navy; thence toward the Hempstead plains to old Westburg Schere the hunt broke up. Among those present were: Master of the Hounds Frank Gray Griswoid; Whip, Joseph Murphy: Mr. and Mrs. E. Magoun, Mr. and Mrs. Janes L. Rernochan, Mr. and Mrs. Bidney Dillon Ripley, Mr. and Mrs. E. Van Renselser Kennedy, Mr. Courtney, Mrs. J. E. Smith Hadden, Harry Page, William Hayes, Max Stevens, and E. T. Cushion.

WHITE-CAP OUTRAGE IN DUNKIRK Masked Men Enter a Hotel, Brag Out Boarder, and Whip Him,

Danking, Dec. 22 .- A White Cap outrage was committed at 2 o'clock this morning upon the person of Charles Stair, a former policeman. boarding at the Driving Park House on Central avenue in this city.

THE SUN reporter was unable to see Stair to

day, as the Sheriff and Chief of Police were in consultation with him, and he would see no one else. The story is told by William Hayward, the proprietor, and Edward Ross, the bartender. Edw., rd Ross, after closing the hotel for the night, sleeps in a room on the ground floor in the rear of the barroom. Ross was wakene by some one rapping on his window and called out: "Who's there?" Some one answered: "It's Jack; let me in." Thinking nothing strange of this demand, as persons come at all times of the night, and he is in the habit of serving them, he rose, dressed quickly, and opened the front door. To his consternation he was confronted by eight men, wearing long black overcoats and white masks, apparently pillow cases, drawn over the head and face and extending to the waist. There were holes for the eyes. All were armed with revolvers and rawhides. When the door was opened they rushed in, and covering Ross with their revolvers, ordered him to lead the way to Stair's room. Boss said that Stair was not in the house. The disguised men declared that they knew better, and that they would shoot if he did not comply with their request. quickly, and opened the front door. To his con

declared that they anew better, and that they would shoot if he did not comply with their request.

Seeing that resistance was useless, Ross preceded the men into Stair's room. The men dragged Stair from his bed and down the stairs and outdoors, where they applied the whips to his naked legs. The victim shrieked for aid, but none came. Mr. Hayward and Hoss were unarmed, and were provented from interfering by the threatening revolvers. As soon as the castigation was finished a voice ordered Stair to leave town within twenty-four hours, and the party, firing their pistois in the air, suddenly disappeared. No one recognized the maranders or saw which way they went. Two or three backs passed the hotel a few minutes afterward, and it was thought possible that those engaged in the outrage were driven away.

The outrage is supposed to have been committed in consequence of an alleged intimacy between Stair and the wife of George Hamilio, a night watchman, with whom Stair boarded until in the beginning of last October, when, on account of Hamilia's accusations and threats, Stair left the house and went to the hotel to board.

At that time Mrs. Hamilia complained that

At that time Mrs. Hamlin complained that her husband abused her and said that she would leave him. Hamlin said he had shough excuss for all that he did. She denied the charge of undue intima-y with Stair. The trouble in the Hamlin family subsided for a time, but recently Hamlin's lead stey was again aroused by the all-E. dt. W.

A new collar,--. Ado,

DEATH OF MRS. W. W. ASTOR

HER END CAME SUDDENLY AT HER HOME ON THE THAMES.

She Had Been Ill for Some Time, but No One Supposed Her Condition was Critical-Her Prominence in the Sectal World.

LONDON, Dec. 22.-Mrs. William Waldorf Astor died quite suddenly this afternoon at Cliveden. She had been Ill of a complication of peritoneal troubles for several months, but not at any time was it supposed that her life of improvements and relapses, which a good deal puzzled the doctors.

In the past few weeks a physician has been constantly in the residence at Cliveden to give close attention to the rather mysterious symptoms. The immediate cause of death is said to have been an acute attack of dysentery, or rather hemorrhage of the bowels.

Death came as a most unexpected shock to the whole household. Even her husband had no suspicion of the serious nature of his wife's illness. Mrs. Astor was attended by Dr. Moore. the family physician, assisted by Fir William Broadbent and other eminent practitioners,

the family physician, assisted by Sir William Broadbent and other eminent practitioners.

One of the guests at the first of the Patriarchs' bails for the season of 1876 and 1877 was Miss Mary Paul, a member of an old and wealthy Quaker family of Philadelphia. Miss Paul had just made her social debut at Philadelphia, and was in her 19th year. Her beauty won her a host of admirers at the dance of the Patriarchs. Her complexion, bair, and eyes were dark, and in her manners she was vivacious and fascinating. At the ball Miss Paul was introduced to William Waldorf Astor. She remained in town for several days, and returned later as the guest of Mrs. Astor.

The constant attentions which William Waldorf Astor paid to Miss Paul did not make the announcement of their engagement a surprise. The wedding took place on June 6, 1878, and was noted for its extreme simplicity. A few special cars carried the New York guests to Philadelphia, where the couple were married in the Church of the Holy Trinity by the rector, the Rev. Dr. William Nellson. Mr. and Mrs. William Waldorf Astor spent their honeymoon at Hempstead, L. L. and returning to New York they lived at 8 East Thirty-third street.

In 1879 a boy was born to Mr. and Mrs. Astor and was noned after his father. In 1880 Pauline Astor was born. Eight years ago the third child was born and christened John Jacob, after his grandfather. Mrs. W. W. Astor did not attempt to take an active part in the affairs of fashionable society until after a residence here of several years. She was a charming hostess, and during her husband's career as a public man she entertained many distinguished people in her home. Her beep tilality was never lavishly dispensed, but characterized by a dignified and sensible simplicity.

A very small incident at Newport led to the unpleasant rumor that a misunderstanding had arisen between Mrs. William Waldorf Astor and her aunt Mrs. William Astor, on account of her seniority in years, reserved the privilege of calling herself Mrs. Astor, while Mrs. William

gathered strength and did not die out until Mrs. William Astor sent out her cards simply as Mrs. Astor.

At Newport Mrs. W. W. Astor went to the Postmaster and told him that any letters addressed to Mrs. Astor should be sent to Mrs. W. W. Astor. When Mrs. William Astor learned of the strategic move of her niece she went to the Postmaster herself and directed the manager of Newport's mails to send to Mrs. William Astor learned of the strategic move of her niece she went to the Postmaster herself and directed the manager of Newport's mails to send to Mrs. William Astor any letters addressed to Mrs. William Astor any letters addressed to Mrs. Astor. Mrs. William Astor evidently had more influence than her niece, for all communications to "Mrs. Astor" went to the elder lady, and as a result Mrs. W. W. Astor had to undergo the humiliation of receiving scores of letters addressed to "Mrs. Astor" marked "missent."

After a period of mourning for William Waltor Astor's mother, Mrs. W. W. Astor appeared in society in the fall of 1888. She was one of the organizers of the first series of dinner dances given by Mrs. J. Coleman Drayton, Mrs. Frederick Bronson, and herself. The dances were the first attempt to form an exclusive se among the younger married counles in society.

Mrs. Astor's beauty was universally admired. When at Rome, Queen Margherita once called her "the most beautiful woman in all Italy." She was tall and stately, and among her accomplishments she counted an ability to talk French, Italian, and German fluently. She had a clear, sweet, soprano voice, and the skill to cleverly accompany her songs on the mandolin. In point of dress her tastes were not extravagant. Among her jewels, which were a fortune in themselves, she numbered a collection of diamonds, valued at several hundred thousand dollars, and what was reported to be the finest collection of black pearis in existence. The pearls were inherited from Mrs. John Jacob Astor.

Mrs. Astor was the niece of Admiral Dahl-

Astor.

Mrs. Astor was the niece of Admiral Dahl-gren and of Abbott Lawrence of Boston. Her brother, F. W. Paul, served through the civil war in the Union army, and married a daughter of A. J. Drexel. Her family connection in Phila-

KILLED HIS STEPDAUGHTER

Congressman Methlejohn Cuptures the Murderer, After a Policeman Falls. WASHINGTON, Dec. 22.-Mrs. Annie L. Leahy was murdered by her stepfather, Joseph A. Bean, a stair builder, at her home in this city, shortly after 3 o'clock this afternoon. The nurderer shot the woman five times, and after she had fallen dead at his feet, kicked her time and again. Then, reloading his revolver, he drove back a policeman who attempted to arres

back a policeman who attempted to arrest him, and rushed out into the street, threatening to shoot any one who should attempt to interfere with him.

Representative George D. Meiklejohn of Nebrasia, who was directly in Hean's path, grappied with him, disarmed him is a trice, turned him over to the policeman. The Congressman, who is 37 years old, is a much smaller man than the murderer, but he caught the man in such a manner as to pinion his arms to his side. Bean as we that a fight was impossible, and noticing Mr. Meiklejohn's watch chain, gasped: "Ars you a Mason?"

"Yes." asld the Congressman; "what have you done?"

The murderer then told of his crime and allowed Mr. Meiklejohn to take his revolver, and accompanied a policeman to the station without resistance.

Bean's wife drove him from home some weeks.

accompanies a convenient from home some weeks.

Bean's wife drove him from home some weeks ago, and he accused his stepdaughter of influencing her, and finally became so incensed over the matter that he decided to kill her.

BROOKLYN WILL GO DRY TO-DAY The Law Enforcement Cameras as a Megac

to Thirsty Citizens, There is every prospect that Brooklyn will have another dry Sundar to-day. The saloon keepers have been again warned by the police that they must close up at midnight and keep closed until 5 o'clock to-morrow morning, re-gardless of Mayor Schieren's side-door policy. The Law Enforcement Society will have a corpo of detectives around, and some of them will be armed with cameras, ready to take enap pictures, which may come in handy at the next public meeting of the society. Some of the camera flends have received special instructions to secure pictures of some well-known citizens or politicians just as they are entering or leaving the saloons.

Other Ministers' Wives Eclipsed Her. Спісасо, Dec. 22.—Mrs. L. Josephine Bedall, wife of the Rev. W. Bedall of Evanston, committed suicide yesterds v by drinking carbolic acid. She left an unfinished letter to a friend

"Recently I have thought much of the life and the work my husband is engaged in. Since we came to a larger city I have met the wives of many other infiniters, and I now know how deficient I am and how unworthy to share in such work. In many ways I am unfit to be a minister's wife, and more than all in literary training."

To Bo Chief of the Winnebagoes. La CROSSE, Wis., Dec. 22.-Mayor Powell (White Beaver) was visited yesterday by a delagation of Winnebago Indiana, who offered him the place of chief. They had a petition signed by 200 leading Winnelsagoss. A branch of the tribe living in Nebraska was also represented. Mayor Powell signified his willingness to accept He will be the successor of Winnsheik, the East Winnelsago chieftain of rank.

Choice Old Table Wines. Ten-year-old Fort. \$3 per gallen. California Vintage Company, 21 Park place. New York. - Adv.

Crawford Cycles

UPRISING IN MANCHURIA.

Terrible Tortures Indicted by the Chines Upon Their Prisoners. LONDON, Dec. 22.- A despatch from Tientain to the Central News says it is reported there that an uprising has taken place among the Moham-

medans in Manchuria. SAN FRANCISCO, Dec. 22.-A private letter from Tokio says that there will be no peace until the Japanese enter Pekin. From an official high in authority the correspondent learns that if a Chinese embassy should come to Japan with overtures of peace the Japanese would in sist upon the occupation of the Chinese capital as one of the terms, and the Chinese will agree to this. It is learned from good authority that, besides the indemnity already indicated, the Japanese will demand the peninsula on which Port Arthur is situated and the island of Formosa. The Chinese will agree to this, as they are powerless, and they also fear a revolution by the two big secret societies, the Kalao Hui and the White Lily.

The foreign advisers of Viceroy Li-Hung-Chang made a fortune in supplying poor arms to the Chinese army. Most of the Chinese rifles captured by the Japanese were of antiquated make, and the ammunition did not fit the guns. It is said that Detring and Von Hanneken will

It is said that Detring and Von Hanneken will be able to retire with several millions apiece at the close of the war.

Other correspondents at Tokio give some details of the taking of Port Arthur. The writers say they cannot give many details, as they are too horrible for publication. Capt. Harstow of the Japanese steamship line, which runs along the coast, tells of many instances of Chipese barbarity to Japanese prisoners of war. Just before the capture of Port Arthur a number of Japanese scouts were captured by the Chinese, who tortured them. Some were burned at the stake. Others were boiled alive in great vats of hot water.

who tortured them. Some were burned at the stake. Others were boiled alive in great vats of hot water.

When the Japanese entered Port Arthur the sights they saw maddened them. The Captain says no pen can describe the fearful mutilations practised upon the Japanese captives. He says an American who saw much of Apache warfare in Arizona declared that the Chinese excelled those savages in hideous ingenuity and in infamous mangling of the dead.

Over 800 of the Chinese garrison of Port Arthur were put to the sword before they could escape, but the Captain declares that there is no foundation for the statement that shopkeepers were shot. Some 200 solders and officers of Li Hung Chang's force escaped in a body from Port Arthur to Shan Hai Kwan on the main land, but the Chinese residents, infuriated because of the loss of Port Arthur, killed the officers, and then tortured to death all the common soldiers.

EX-SENATOR LAIRD'S DISCOVERY. Mis Cottage Damaged by a Fragment of an Exploding Safe,

ENGLISHTOWN, N. J., Dec. 22.-Ex-Senator John H. Laird and Charles McDonald were returning from a social gathering about 3 o'clock this morning, when they saw a wagon driven along the main street at breakneck speed They concluded it was a party of merrymakers and passed on without further comment. When Mr. Laird reached home he made a discovery. blown open and rifled of \$400 and a number of ownship bonds and other securities. The burgare had also taken from the shelves and sho cases of the store a wagon load of silverware, watches, jewelry, and other valuable goods that had been bought for the holiday trads.

A fragment of the shattered safe went through the south window of the store and knocked over the corner pillar of Mr. Laird's cottage. The pillar fell against a bay window and broke the glass, but the inmates were not awakened. Mr. Laird at once made an examination, but when the cause of the accident to his house was revealed, the burglars, who doubtless were in the rapidly driven wagon, were far away.

SMASH-UP IN ENGLAND. Pifteen People Killed and Many Injured in

a Railroad Accident LONDON, Dec. 22.-Fifteen persons were killed nd many injured by a collision to-day between the Manchester express and a goods train.

The express train was filled with persons going nome for the holidays, and was proceeding at high speed for Chelford, the next stop, fourteen miles distant. The Crewe freight train was switching across the main line.

other train until his locomotive was close upon The brakes were applied instantly but without perceptible effect. There was a terrific rash and several cars went to pieces like paste board. The injured number fifty; the severely injured twenty.

MR. CLEVELAND STARTS FOR HOME. The President Attends a Reception in

GEORGETOWN, S. C., Dec. 22 .- At 1:45 o'clock the President arrived here on the Wistaria and disembarked at the South Carolina Steamboa Company's whart to the welcome of every bell in the city. He and his party were met by Mayor Morgan and the Executive Committee of the Palmetto Club, and were driven in open carriages through the principal streets to Winyah Indigo Society's Hall. Here the ladies' committee were introduced to him, and the President took his position in the outer hail. The reception lasted until 3 P. M. At that hour the inner or main hall was entered, where the luncheon tendered by the Palmetto Club was served. The Presidential party were seated at a centre table, which was surmounted by a canopy of crimson bunting trimmed with gray moss and holding in the centre a ball of snow-white camelias. The officers of the club sat with him. At 3:45 the Presidential party were escorted to the railroad station and left at 4 o'clock on a special train for Lanes, where the car Wildwood will be attached to the fast mail train of the Atlantic Coast line northward bound. the Palmetto Club, and were driven in open

bound.

At the station of the Georgetown and West-ern Railroad a special platform was erected and decorated. Along this the President passed to his car over a carpet of pine needles and und arches of paimetto.

The President said he enjoyed his visit very

ONE JUROR TAMPERED WITH. So the Other Eleven Charged in a Notable

CLEVELAND, Dec. 22.—The jury in the case of Horace Steele, ex-President of the Painesville Savings and Loan Association, disagreed tonight. Steele is 74 years old and was tried for utter-

Steele is 74 years old and was tried for uttering and publishing forged notes. The trial occupied over a week, the jury going out at noon on Thursday. At moon to-day they were called into court and discharged, having falled to agree on a verdict.

The jury stood eleven to one for conviction, the twelfth man being David Skyrm. The eleven jurors preferred charges against Skyrm, accusing him of having been tampered with W. H. Hopkins, foreman of the jury, told trial Judge Noble that he had been approached during the trial, and a money consideration had been offered to him if he would "hang" the jury.

ANOTHER INQUIRY ABOUT HAWAII.

SAY SCHMITTBERGER LIES

POLICE OFFICIALS STIRRED UP BE HIS TESTIMONY.

PRICE FIVE CENTS.

Statements by President Martin and Commissioners Sheehan and Kerwin-The Board Likely to Put Schmittberger, Creeden, and Other Self-accused Officer on Trial Now-Indictments Expected

Police Commissioner John C. Sheehan says, Capt. Max F. Schmittberger is a liar." Police Commissioner Martin says, " Capt. Mar

Police Commissioner Murray says nothing. Police Commissioner Kerwin says, "I never was so shocked in my life." Superintendent Byrnes says nothing.

Police Inspector Williams says, "I have nother ing to say."

Police Inspector McAvoy says, " Capt. Max F. Schmittberger lies." Ex-Inspector Steers says, "Capt. Schmitt

berger is a perjurer." Police Captain Marten says, "The truth isn's in him," meaning Capt, Schmittberger. Police Captain Price says: "No, I won't say

a word." Some of these gentlemen used the violent adjective which the Court of Appeals has decided is not profane language, and all of them were more agitated than they ever had been before, Excepting Mr. Shechan, Capt. Schmittberge was the friend of all of them until Friday morne ing. Mr. Sheehan says he "never trusted him and never liked him." The testimony of Capt. Schmight Tree involving all of them except Su-pering at Byrnes stirred up Police Head-quarters vastly. There was a decided tendency displayed among the Commissioners to get over the "spineless subservience" that characterized the majority of the Board at the meeting just after Capt. Creeden had confessed and been glorified by the Senate Committee; and is is pretty certain that the next meeting will be a ively one and that the Senate Committee will be informed that it doesn't run the Police De-

KERWIN IS FOR TRYING THE CONFESSED CRIMI-

Commissioner Kerwin led in the display of rediscovered backbons. He and Mr. Murray gos down to Headquarters early, and he said to the

"There is but one way to remedy the existing state of affairs, and that is for the Police Board to set to work right away and weed out such members of the force as have been shown to be guilty of offences against the law and against the rules of the department. It is the duty of the Board to put the accused men on trial immediately, and if they are found guilty to dismiss them from the force. I don't agree with Mr. Goff and the Senate committee that simply because a man goes there and becomes a witness he gets immunity from department discipline. That committee is merely a committee of the Senate. It is not a law making body and it is not a law suspending ody. It may have extraordinary powers as an body. It may have extraordinary powers as an investigating body, but surely it has not the power to suspend the laws under which the Police Department is operated. I am not any tagonistic to the Lexow-committee I am in perfect harmony with it, but I do not want the Police Board to be suspended or suppressed in in the perform-ance of its duties. Those dutiess are clearly defined by law, and they must be performed. The next meeting of the Board will probably be held on Monday. It will be a special meeting, and I shall certainly propose a neeting, and I shall certainly propose a special investigation into the charges made by Schmittberger, and I shall personally see that it is conducted in such a way that all the facts will ome out. It makes no difference who is involved. We want to get at all the facts in relation to the men who are implicated by these men who confess, and we want to get all the facts who confess, and we want to get all the facts about the men who made the confessions, too, and we want punishment meted out as it is deserved. We will be lacking in our official duty if we let the matter rest as it is. We will be lacking if we do not take immediate action."

The Commissioner emphasized the immediate with a crack on the desk with his fist.

"This is all a great shock to me," went on the Commissioner. "to have the criminal acts of

commissioner. To have the criminal acts of men who have been regarded as honorable officials exposed in this manner."

Commissioner John C. Sheehan is thus rentored by Commissioner Kerwin, while President Martin would not make any declaration of the kind. It was said on what ought to be good authority that he was with them, and sorry for the action of the Board in the Creeden case.

PRESIDENT MARTIN'S STATEMENT.

the action of the Board in the Creeden case.

PRESIDENT MARTIN'S STATEMENT.

Commissioners Sheehan and Martin, the two Commissioners involved by Capt. Schmittherger's testimony, met yesterday before they went to Headquarters, and they talked over what ought to be done by the Board. Then Mr. Martin went to a typewriter and dictated a statement. When he reached Headquarters he gave out the statement as follows:

"In regard to Capt. Schmittberger's statements on the witness stand before the Lexow committee yesterday, wherein he charges me with having given him certain orders to protect an alleged disorderly house in West Fifty-first street, occupied by a Mrs. West, I wish to make the following statement:

"I have no acquaintance with Mrs. West whatever. At the time Capt. Schmittberger was in command of the Twenty-second precinct a friend of mine, a prominent business man in this city, whose name I am unwilling to give at this time, and prefer never to do so unless it is forced from me, met me at my club and told me that a police officer had called at Mrs. West's house and made some inquiries annoving to her. My friend explained to me that she kept no disorderly house, but was the mistress of one of his associates, who provided a home for her. He assured me the house was entirely private and asked me to see the Captain about it. I sent for Capt. Schmittberger, told him these facts, asked him to lock into them, and if he found them to be true to leave the woman alone. He reported to me a few days inter that my friend's statement was correct.

"Capt. Schmittberger also states that Server."

days later that my friend's statement was correct.

"Capt. Schmittberger also states that Sergent Liebers told him that he had paid \$3,000 for his promotion. I brought his name myself before the Board. His record was good and his promotion was strongly recommended and urged by John M. Howers of 34 William street and Surrogate Frank T. Fitsgerald. Mr. Bowers wrote me he knew Liebers's father and vouched for his son. Both of these men are well known, and hold such positions before the public as to emphatically refute any possibility of the use of money for the promotion of Sergeant Liebers.

"As to Capt. Schmittberger's statement that I suggested to him that he should wait until the completion of a schoolhouse in Forty-sixth street, between Sixth avenue and Broadway, before disturbing certain disorderly houses on that block. I positively deny ever having had any conversation with him whatever on the subject.

"Capt. Schmittberger sent me a subscription

any conversation with him whatever on the subject.

"Cant. Schmittberger sent me a subscription of \$150 to the fund for election expenses of the Twenty-first Assembly district in October, 1893. This subscription was entirely voluntary on his part. I had never spoken to him on the subject. On the contrary, I refused to accept more than \$50 of the amount he sent and returned the balance to him.

"Capt. Schmittberger was transferred from the Twenty-seventh precinct to the Fifth precinct not because he made honest excise arrests, but because of the rumors that reached the Hoard that his men were trying to collect tribute from the saison keepers. These rumors could not be substantiated at the time, but it was thought advisable to make the transfer."

STATEMENT BY COMMISSIONER SHEEHAN.

Senator Ledge Wants to Know Why Our Shipe Were Withdrawn from the Island.

Washington, Dec. 22.—Senator Lodge to-day of offered a resolution, which went over, instructing the Secretary of the Navy to inform the Senate why all United States ships of war have been withdrawn from the Hawaiian Islands, and whether, in view of the interests of the United States and of citizens of the United States and of the order of the United States and of the United St